

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. CR - 19 - 0256 - 1 MMC

Plaintiff,

**ORDER FOR CRIMINAL
PRETRIAL PREPARATION**

v.

MARCUS DIETER FELDER,

Defendant.

Good cause appearing, IT IS HEREBY ORDERED that:

TRIAL:

Trial will begin on **MONDAY, March 30, 2020, at 9:00 a.m.** Estimated length of trial is Three (3) days.

Jury selection will be held on **THURSDAY, March 26, 2020 at 9:00 a.m.**

DISCOVERY:

By the close of business, **THURSDAY, February 13, 2020**, the parties will exchange the information, documents and tangible objects required by Rule 16 of the Federal Rules of Criminal Procedure. Additional discovery shall be by motion accompanied by affidavits setting forth the unusual circumstances justifying discovery beyond the limits of Rule 16.

PRIOR TO FILING ANY DISCOVERY-RELATED MOTIONS, COUNSEL SHALL:

1. Meet and confer with opposing counsel, and

2. File a declaration, under penalty of perjury, that counsel has conferred with opposing counsel with respect to each and every issue on an informal basis. Said declaration may be filed contemporaneously with the motion. If no such declaration is filed, the motion papers will not be considered.

1 **PRETRIAL CONFERENCE:**

2 A Pretrial Conference will be held on **TUESDAY, March 17, 2020, at 10:00 a.m.**
3 At the Pretrial Conference the parties shall be prepared to discuss the matters set forth in Criminal
4 Local Rule 17.1-1(b).

5 **MOTIONS IN LIMINE:**

6 All in limine motions will be heard on **TUESDAY, March 17, 2020, at 10:00 a.m.**
7 Motions, affidavits and memoranda shall be filed and served by the moving party no later than 4:00
8 P.M. on **March 2, 2020.** Any opposition shall be filed and served no later than 4:00 p.m. on
9 **March 9, 2020.**

10 Each in limine motion shall be *numbered* and shall be submitted as a *separate filed*
11 *document.*

12 **PRETRIAL PREPARATION:**

13 Not less than **five court days** before the Pretrial Conference, counsel for the
14 government shall:

15 (1) Serve and file a trial memorandum briefly stating the legal bases for the
16 charges and the anticipated evidence, and addressing any evidentiary, procedural or other
17 anticipated legal issues;

18 (2) Serve and file a list of all witnesses who may be called, together with a brief
19 summary of the testimony of each;

20 (3) Serve and lodge a proposed form of verdict;

21 (4) Serve and lodge proposed questions for jury voir dire; and

22 (5) Serve and lodge copies of all exhibits to be offered at trial, together with a
23 complete list (**see attached form**) of those exhibits. Each exhibit shall be premarked with an
exhibit sticker (**see attached form**), the government's with numbers.

24 Not less than **five court days** before the Pretrial Conference, defense counsel shall
25 comply with subparagraphs (3) and (4) above, and, to the extent consistent with the defendant's right
26 to an effective defense, with subparagraphs (1), (2) and (5) above, the defendant's exhibits to be
27 premarked with letters.

1 **JURY INSTRUCTIONS:**

2 All proposed jury instructions and any objections thereto are to be filed and served no
3 later than **five court days** before the pretrial conference.

4 In advance of the pretrial filings the parties shall do the following:

- 5 (1) Meet and confer and resolve all jury instructions to the extent possible.
6 The parties are expected to resolve technical or semantic differences.
- 7 (2) Prepare **one joint** set of instructions upon which the parties agree.
- 8 (3) The parties shall submit separately only those instructions upon which there is
9 **substantive** disagreement. The party or parties objecting to an instruction
10 shall file a written objection. The form of the objection shall be as follows:
- 11 (a) Set forth in full the instruction to which the objection is made;
- 12 (b) Provide concise argument and citation to authority explaining why the
13 instruction is improper.
- 14 (c) Set forth in full an alternative instruction, if any;
- 15 (4) All instructions should be concise, understandable and neutral statements of
16 law. Argumentative instructions will not be given and should not be
17 submitted.
- 18 (5) Any modifications of instructions from the Ninth Circuit Model Jury
19 Instructions or other form instructions must identify the modifications made to
20 the original form instruction and the authority supporting the modification.

21 **TRANSCRIPTS:**

22 If transcripts will be requested during or immediately after trial, arrangements must
23 be made with the court reporter at least **one week** before trial commences.

24 **CHANGE OF PLEA:**

25 Defendant's counsel shall give prompt notice to the United States Attorney and to the
26 Court of any intention to change a previously entered not guilty plea.

1 **EXHIBITS:**

2 Each party is responsible for that party's exhibits. Upon the conclusion of the trial,
3 the parties shall retain their respective exhibits. Should an appeal be taken, it is the party's
4 responsibility to make arrangements with the clerk of the Court to file the record on appeal.

5 **CHAMBERS COPIES:**

6 Chambers copies of all filed documents shall be marked "Chambers Copy" and
7 submitted to the Court no later than noon on the business day following the filing.
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9 **IT IS SO ORDERED.**

10 Dated: January 23, 2020


MAXINE M. CHESNEY
UNITED STATES DISTRICT JUDGE

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24 (revised 9/2016)

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